

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                                           |   |                                     |
|-------------------------------------------|---|-------------------------------------|
| -----                                     | X |                                     |
|                                           | : |                                     |
| In re REFCO, INC. SECURITIES LITIGATION : |   | 07 MDL No. 1902 (GEL)               |
|                                           | : |                                     |
| -----                                     | X |                                     |
| -----                                     | X |                                     |
|                                           | : |                                     |
| MARC S. KIRSCHNER,                        | : |                                     |
| as Trustee of the Refco Litigation Trust, | : | 07 Civ. 11604 (GEL)                 |
|                                           | : |                                     |
| Plaintiff,                                | : |                                     |
|                                           | : |                                     |
| v.                                        | : | <b>NOTICE OF JOINT MOTION OF</b>    |
|                                           | : | <b>DEFENDANTS LIBERTY CORNER</b>    |
|                                           | : | <b>CAPITAL STRATEGIES, LLC AND</b>  |
| GRANT THORNTON LLP, et al.,               | : | <b>WILLIAM T. PIGOTT TO DISMISS</b> |
|                                           | : | <b>THE COMPLAINT WITH</b>           |
| Defendants.                               | : | <b>PREJUDICE</b>                    |
|                                           | : |                                     |
| -----                                     | X |                                     |

PLEASE TAKE NOTICE that, upon the Declaration of Kevin H. Marino and the exhibits annexed thereto and the accompanying Memorandum of Law, defendants Liberty Corner Capital Strategies, LLC and William T. Pigott (collectively, the “Liberty Corner Defendants”) will move before the Honorable Gerard E. Lynch, United States District Judge, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York at such date and time to be determined by the Court for entry of an Order dismissing the Complaint with prejudice as to the Liberty Corner Defendants for failure to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6) and failure to plead fraud with particularity pursuant to Federal Rule of Civil Procedure 9(b).

MARINO TORTORELLA PC

Dated: Chatham, New Jersey  
May 21, 2008

By: /s/ Kevin H. Marino  
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Pigott and Liberty Corner Capital  
Strategies LLC*